

APPLICANT PACKET

TOWN of BROOKLYN, GREEN COUNTY

DRIVEWAY/JOINT DRIVEWAY PERMIT APPLICATION PROCESS

= IMPORTANT NOTICE =

The Town of Brooklyn, Green County Driveway/Field Road Ordinance (#1.3) applies to **ALL**

1. New driveways and new joint driveways to be built in the Town and
2. Existing driveways and existing joint driveways to be substantially changed, including ones accessing a State of Wisconsin or Green County highway.

NOTE: Green County will not issue a zoning permit authorizing building construction until after the Brooklyn Town Board certifies that a driveway or joint driveway is substantially complete. The purpose of this document is to help you receive that certification from the Town Board. (See the ordinance for complete definition of "substantially complete." The ordinance may be found on the Town of Brooklyn website: www.townofbrooklyn.org.)

This packet is designed to guide an applicant (or duly authorized agent) through the process so that the required construction permit(s), certification, final approval and return of deposit can occur with minimum delay. Please read through the process and governing ordinance and follow the steps in order. Be aware we require complete and thorough documentation. There are no shortcuts! Variances are rarely granted so adherence to specifications in both design and construction are critical to your securing timely approvals.

= OVERVIEW =

The Town's process is intertwined with those of the State of Wisconsin and Green County, creating some interdependencies and pre-conditions. These are noted at the steps in the process where they apply. The extent of inter-jurisdictional activity will be dictated by the location, nature, and scope of your project. The length of the process and time required will be determined by the type of project (driveway vs. joint driveway), the completeness of your documents, the timing of Town Planning Commission review and Town Board meetings.

= CONTENTS OF THIS PACKET =

This packet contains:

- An overview of the process
- The Town of Brooklyn two-page application you are responsible for completing (You may also need to obtain public road access forms from the State of Wisconsin or Green County. These forms are not included in this packet. You must get these forms from the State of Wisconsin and Green County to ensure that you have the current versions of the forms.)
- A copy of Town Land Use policies (a) limiting Owners to one residential structure on a parcel of land and (b) preserving Prime agricultural land
- A sample driveway sketch
- A checklist for joint driveways
- Contact and resource information

Note: the Driveway Ordinance is available on the Town of Brooklyn website <http://townofbrooklyn.org>. A paper copy may be obtained by contacting the Town Clerk at 608-455-6411.

PROCESS FLOW

Phase I: Owner/agent gets and reviews applicant packet and meets with the Town Planning Commission.

You must first meet with the Brooklyn Town Planning Commission to review the proposed parcel location and access route for prime land status. Review by the Planning Commission is required **before** you construct the first building, not after you have begun or completed construction.

You will be required to commit to limiting construction to a single-family residence. A rough route sketch of the driveway will be required at the Planning Commission meeting.

Please call the Town Clerk (608-455-6411) to obtain the Planning Commission's current schedule and to arrange to appear at a meeting.

Phase II: Applicant completes the Driveway/Joint Driveway application and secures all required supporting documents.

You meet with the Town Inspector at the site to review the application, supporting documents, and the driveway/joint driveway road location. The Town assigns an application number.

You may contact the Inspector by calling the Town Hall at 608-455-6411.

The Inspector forwards all documents and a recommendation to the Town Board by 4:00PM on the Friday before a Town Board meeting having driveways and joint driveways as an agenda item.

The Inspector notifies you of the date and time of the Town Board meeting. You must attend the Town Board meeting. At the meeting, the Board approves, approves with conditions/variance(s), or denies the application. If the Town Board approves the application, the applicant pays a permit fee and a deposit to the Town at this meeting.

If the Town Board approves the application, the applicant constructs the driveway or joint driveway according to the conditions of the approval.

Phase III: Point at which the driveway/joint driveway is substantially completed

You contact the Town Inspector when the driveway/joint driveway is substantially complete as defined in the Town ordinance and requests an on-site review.

Be aware that approval as “substantially complete” may be delayed if frozen ground or accumulated snow or ice make it impossible for the Inspector to properly evaluate compliance with ordinance requirements. This will delay issuance of a zoning permit by Green County.

After completing the inspection, the Inspector forwards the inspection documents and a recommendation to the Town Board. The recommendation must be submitted by 4:00PM on the Friday before a Town Board meeting having driveways and joint driveways as an agenda item.

You must obtain a blank Green County Driveway Verification form from Green County and bring it to the Town Board meeting. If the Town Board finds that the driveway or joint driveway is substantially complete, it will authorize the issuance of a Green County Driveway Verification form. At this point you may request Green County to issue a zoning permit authorizing building construction.

Phase IV: Point at which driveway/joint driveway is fully completed

When the driveway/joint driveway is fully complete, you contact the Town inspector for final on-site review.

Be aware that approval as “complete” may be delayed if frozen ground or accumulated snow or ice make it impossible for the inspector to properly evaluate compliance with ordinance requirements. This will result in a delay in the

refund of your deposit.

After completing the inspection, Inspector forwards inspection documents and a recommendation to the Town Board. The recommendation must be submitted by 4:00PM on the Friday before a Town Board meeting having driveways and joint driveways as an agenda item.

If the Town Board finds that you have met all conditions, it will authorize the refund of your deposit.

Driveway Application Attachments Checklist *

**This document is provided for applicant's convenience and does not need to be submitted.*

Project type (check one): Driveway Joint Driveway

ALL DRIVEWAY APPLICATIONS MUST HAVE THESE DOCUMENTS ATTACHED

1. Attachment 1: Complete, accurate legal description YES
2. Attachment 2: Proof of ownership YES
3. Attachment 3: Authority to represent owner, if acting as the owner's agent YES N/A
4. Attachment 4: County or State access permit, if needed YES
5. Attachment 5: Adequate location sketch (including description of road access point) YES
6. Attachment 6: Prime land review document from Plan Commission YES
7. Attachment 7: Single family residence statement from Plan Commission YES N/A

JOINT DRIVEWAY APPLICATIONS MUST HAVE THESE ADDITIONAL DOCUMENTS ATTACHED

1. Attachment 8: Accurate legal descriptions for all parcels involved YES
 2. Attachment 9: Ownership information for all parcels involved YES
 3. Attachment 10: Town Board approved Joint Driveway Agreement signed by all parcel owners
 YES
-

Driveway Applicant's Checklist (use for Steps A, B, and C)*

** This document is provided for applicant's convenience and does not need to be submitted.*

STEP A - for Plan review and initial site inspection This is needed in order to begin construction of a driveway or joint driveway.

STEP B - for "Substantially completed" approval This is needed in order for Green County to authorize you to build.

STEP C - for "Fully completed" approval This is needed in order for you to receive a refund of your deposit.

Does the point of access onto public road meet all requirements? YES

Is the grade at public road access point acceptable? YES (*See ordinance for details*)

Is the required culvert properly installed? YES

Does the base course conform to requirements? YES

Do width and side clearances conform to requirements at all points? YES

Does the overhead clearance conform to requirements at all points? YES

Are all grades less than the maximum allowed along route? YES

Do the radii of curves meet minimum requirement? YES

Is there room for a turnaround at the building site that meets requirements? YES

Is there major erosion potential? No potential

Is the required number of turnouts properly designed and built? YES

Does the sketch include the following information with measurements YES

1. Depth of base and finish materials
2. Finished width
3. Width of side clearances and height of overhead clearance
4. Location of buildings
5. Location & size of turnouts and turnarounds
6. Radius of each curve

7. Grade

8. Distance from the driveway access to the closest intersecting road and permanent landmark.

IMPORTANT CONTACT INFORMATION

Brooklyn Town Hall	608-455-6411	400 W. Main St. Brooklyn WI 53521
Brooklyn Town Clerk	608-455-6411	clerk@brooklynwisconsin.org
Town Road Inspector	608-455-6411	
Town Board Chair	608-455-6411	
Town Planning Commission	608-225-1802	

Permit to connect a driveway to a Green County highway

Green County Highway Department
2813 6th St
Monroe, WI 53566
608-328-9411

Zoning Permit; Sanitary Permit

Green County Zoning Office
Green County Courthouse
1016 16th Ave
Monroe, WI 53566
608-328-9423

Record a Joint Driveway Agreement

Green County Register of Deeds
Green County Courthouse
1016 16th Avenue
Monroe, Wisconsin 53566
608-328-9439

Permit to connect a driveway to a State highway

WI Dept. of Transportation
2101 Wright St
Madison, WI 53704-2583
608-246-5334

TOWN OF BROOKLYN, GREEN COUNTY

MINIMUM REQUIRED ELEMENTS FOR AN ACCEPTABLE SHARED DRIVEWAY AGREEMENT

Note: Format and order are at the discretion of the applicants but must be suitable for filing with the County Register of Deeds. Unique circumstances may require additional elements or render some elements unnecessary (rarely the case).

1. Names of all parties (parcel owners) subject to the agreement
2. Road location and legal description of all parcels involved
3. Purpose of the agreement (ie., to create a joint driveway easement)
4. Rights and duties of the parties including but not limited to initial construction, subsequent additional access(es) off the original driveway, limitations on use, required periodic (typically annual) meeting of then-current parcel owners to appoint agent for determining improvements and maintenance for the coming period (cost sharing, contact agent, etc), method of decision-making
5. Binding effect on subsequent owners, heirs, assigns . . .
6. Enforcement/ dispute resolution mechanism
7. Term – statement that the agreement is perpetual
8. Signature page for all parties named previously
9. Severability clause
10. Statements that acknowledge the:
 - Town will not assume any liability or responsibility for maintenance or repair of the driveway
 - Town has no responsibility in the event of a dispute or deadlock between/among the parties to this agreement on decisions relative to any portion of this agreement.
 - Statement of understanding that the subject shared driveway and all branches must be maintained to Town standards in effect at the time the agreement was put in effect and that any substantial changes may require Town Board approval based on specifications and requirements in effect at the time of the proposed change(s).
11. Special/unique provisions dictated by the topography, planned use or other unanticipated factors.

Town of Brooklyn, Green County, WI

Sample Joint Driveway Deed Restriction

Disclaimer:

This template which follows is provided as a general guide. It must be modified to fit unique circumstances when they exist. If an applicant chooses to create a "scratch" document, all elements in this template must be incorporated into the document submitted to the Town Board for approval.

Notes:

It is recommended that the applicant seek legal advice when creating the required deed restriction document.

It is highly recommended that the applicant have the Town of Brooklyn Plan Commission and Town Board approve the content of the deed restriction(s) before recording with the Green County Register of Deeds. If questions arise, the Town Driveway Inspector and/or Plan Commission Chairman should be contacted.

Caution:

Approval of the deed restriction in and of itself DOES NOT trigger issuance of a Driveway Construction Permit. All other applicable steps in the process must be completed with Town Board approval before construction can begin.

Document Number

DEED RESTRICTION

In re: _____ legal description of property here _____, Town of Brooklyn,
Green County, Wisconsin.

WHEREAS, _____
(AOwner@) represents and warrants that it is the owner in fee simple of
_____ legal description of all of the property subject to the restriction
here _____ (the AProperty@); and

WHEREAS, the Town of Brooklyn Ordinances required that the joint
driveway shown on the proposed CSM for the Property (ACSM@), that will serve the
lots as set forth on the CSM for the Property, comply with the Town of Brooklyn
Ordinances; and

WHEREAS, the Owner, for itself and its heirs, successors and assigns, wish
to impose the deed restrictions set forth below on the Property and lots to be created
thereon in connection with the joint driveway.

NOW THEREFORE, the following deed restriction is hereby imposed on the
Property.

1. The above recitals are incorporated herein by reference.
2. Owner hereby confirms that the driveway easement set forth on the CSM creates a private access easement, establishing for the benefit of the owner of each lot on the CSM, an easement for access from such lot to _____ Road. This easement is perpetual, shall run with the land, and is binding upon and inures for the benefit of the owner of each lot, their heirs, successors and assigns.
3. Use of the driveway shall be for ingress and egress only. The driveway shall at all times be kept free from obstruction of any kind, including the parking of vehicles, except for temporary use for loading or unloading of any vehicle.
4. The driveway shall be maintained in good condition and repair, including without limitation snow removal, sealing, resurfacing, repair and replacement (collectively AMaintenance@), as necessary. Responsibility for and the cost of Maintenance shall be borne equally by the owner of the lots, with the owner of each lot being assessed (state fraction here) of the cost. Any damage to the driveway caused by the owner of any lot, or their guests, invitees and contractors, shall be the responsibility of such owner. Any owner of a lot who desires to connect a drive leading from the driveway to a dwelling shall be responsible for the cost of, the construction, Maintenance, repair, improvement or replacement of the drive.
5. The consent of the owners of a majority of the lots shall be obtained prior to undertaking expenditures for Maintenance of the driveway, except in emergency situations. In the event a dispute among the owners regarding the need for or cost of Maintenance, the dispute shall be submitted for arbitration to an arbitrator selected by the lot owners, or, if the parties cannot agree on the selection of an arbitrator, to any recognized local mediation program used by the Green County Bar Association. In the event no such organization exists, any party may file a circuit court action requesting the appointment of an arbitrator or resolution of the dispute. The lot owners benefitting from the driveway agree to split the costs of arbitration equally, and agree to be bound by the decision of the arbitrator. Any necessary replacement or improvement of the driveway shall at least restore the driveway to its original condition.
6. No party may install landscaping or improvements that will impair the use of the driveway.
7. The owner of each lot shall have the right to act, in the absence of the other lot owners, to remove any obstruction of the driveway or other condition which renders the driveway impassable.
8. Only the lot owners and the dwellings located thereon shall be permitted to use the driveway, and each of the parties hereto does hereby covenant and agree that no other persons, other than guests, invitees, contractors and/or employees, will be allowed or permitted to use the driveway.
9. The term of this Agreement shall be perpetual, except as herein limited.

Recording Area

Name and Return Address

Attorney Scott A. Seid
Lee, Kilkelly, Paulson &
Younger, S.C.
P. O. Box 2189
Madison, WI 53701-2189

PARCEL NO: _____

(Parcel Identification Number)

10. The owner of each lot on the CSM shall have an annual meeting at a location to be selected by such owners on the first Monday of each January if not a legal holiday, and if a legal holiday, then on the next succeeding Tuesday for the transaction of business in connection with the driveway.

11. No modification of this Agreement shall be valid unless such modification is approved in writing by the Town Board of Brooklyn and signed by all the parties bound by the deed restriction, and recorded in the office of the Green County Register of Deeds.

Dated this ____ day of _____, 200 ____.

_____, INC.

By: _____

STATE OF WISCONSIN)
)
COUNTY OF GREEN)

Personally came before me this ____ day of _____, 200____, the above-named _____, to me known to be the person who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin
My Commission: _____

This document drafted by:

Attorney Scott A. Seid
Lee, Kilkelly, Paulson & Younger, S.C.
P. O. Box 2189
Madison, WI 53701-2189

Application # _____

Town of Brooklyn, Green County

APPLICATION for DRIVEWAY/JOINT DRIVEWAY PERMIT

Name of owner: _____

Mailing address: _____

Daytime phone: _____

Name of agent (if applicable):

Agent's Mailing address: _____

Agent's Daytime Phone: _____

Project location:

Project type (check only one): Driveway Joint Driveway

By my signature below I acknowledge and agree to the following:

1. I have familiarized myself regarding the contents of the Town of Brooklyn, Green County Driveway / Field Road Ordinance (#1.3) and requirements related to obtaining a permit.
2. The project, as applied for, will meet or exceed all specifications and requirements as set forth in the Ordinance and I agree to comply with any additional conditions or requirements the Town Board may have as a condition of approval of this permit application.

3. I, and my successors with interest in this property, shall permit representatives of the Town to enter upon and inspect the project without prior notice to determine that the original construction and subsequent maintenance comply with the specifications and requirements of applicable Ordinances in effect at the time of issuance of this permit.

4. That all required documents are attached to this application and are complete and accurate.

Owner signature: _____

Owner name/title printed: _____

Date ___ / ___ / 20___

***Note:** All inspector documents & recommendations and Town Board decisions are recorded on documents generated by the inspector. Copies will be provided to you throughout the process.